

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BROADCAST MUSIC, INC., *et al.*, : CIVIL ACTION NO. 1:16-CV-2235

Plaintiffs : **(Chief Judge Conner)**

v. :

**ST. GEORGE & MARY, INC., d/b/a
JOHNNY JOE'S, *et al.*, :**

Defendants :

ORDER

AND NOW, this 4th day of March, 2019, the parties having previously reported to the court that the above-captioned action has settled in principle, (Doc. 25), and the court having previously stayed all case management deadlines for a period of 120 days to allow the parties to consummate settlement by order (Doc. 26) dated November 6, 2018, and it appearing from plaintiffs' uncontested motion (Doc. 27) of today's date seeking a further stay of case management order deadlines that the parties require additional time to consummate settlement, (id. ¶ 9), it is hereby ORDERED that:

1. The uncontested motion (Doc. 27) for stay of case management order deadlines is GRANTED to the following extent:
2. The stay of case management order deadlines in the above-captioned action is CONTINUED.
3. The Clerk of Court is directed to mark this matter CLOSED for statistical purposes only.
4. This statistical closure does not impact the parties' rights to seek an additional extension of time in which to consummate settlement, or to request that the court reopen the case if settlement is not consummated, within 60 days of the date of this order.

5. The parties shall, as soon as practicable upon consummation of settlement, submit an appropriate dismissal filing in accordance with Federal Rule of Civil Procedure 41(a).¹

/S/ CHRISTOPHER C. CONNER

Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania

¹ Rule 41 contemplates three methods of dismissal. Before an answer or summary judgment motion has been filed, an action can be dismissed by a notice of dismissal signed by the plaintiff alone. See FED. R. CIV. P. 41(a)(1)(A)(i). After an answer or motion for summary judgment has been filed, the parties can dismiss a case by filing a stipulation of dismissal signed by all parties to have appeared. See FED. R. CIV. P. 41(a)(1)(A)(ii). Either of these filings operates to close the case and end the court's jurisdiction without further court action. For any dismissal that is conditional or otherwise requires court approval, including, for example, a request that the court retain jurisdiction for a specific period of time for enforcement of the settlement, the plaintiff shall submit a motion to dismiss setting forth the requested terms for dismissal, accompanied by a proposed order. See FED. R. CIV. P. 41(a)(2).